

BEFORE THE TAX COMMISSION OF THE STATE OF IDAHO

In the Matter of the Protest of)	
)	DOCKET NO. 18066
[REDACTED],)	
)	DECISION
Petitioner.)	
_____)	

On April 12, 2004, the Tax Discovery Bureau (Bureau) of the Idaho State Tax Commission issued a Notice of Deficiency Determination to [Redacted] (taxpayer), proposing income tax, penalty, and interest for taxable years 1997, 1998, and 2001 in the total amount of \$10,249.

The taxpayer filed a timely appeal. She did not submit additional information and did not request a conference. Therefore, the Tax Commission, having reviewed the file, hereby issues its decision based upon the information contained in the file.

Tax Commission records showed the taxpayer met the Idaho income tax filing requirements and had not filed Idaho returns for taxable years 1997, 1998, and 2001. The Bureau attempted to contact the taxpayer for an explanation, but she did not respond to the inquiries.

[Redacted] Idaho Code § 63-3045 (1)(a) states:

63-3045. Notice of redetermination or deficiency -- Interest. (1) (a) If, in the case of any taxpayer, the state tax commission determines that there is a deficiency in respect of the tax imposed by this title, the state tax commission shall, immediately upon discovery thereof, send notice of such deficiency to the taxpayer by registered or certified mail or by other commercial delivery service providing proof of delivery, whichever is the most cost efficient. The notice shall be sent to the taxpayer's last address known to the state tax commission. The notice of deficiency shall be accompanied by an explanation of the specific reason for the determination and an explanation of the taxpayer's right to appeal. Within sixty-three (63) days after such notice is mailed, the taxpayer may, at his option, file a protest in writing with the state tax commission and obtain redetermination of the deficiency.

The Bureau prepared returns on the taxpayer's behalf and sent her a Notice of Deficiency Determination. The Notice of Deficiency Determination, which was sent via certified mail, was returned by the post office stamped "unclaimed." A copy of that same document was mailed via regular delivery. The taxpayer responded by letter stating the income amounts were incorrect because expenses were not listed.

The Bureau sent the taxpayer a letter acknowledging her protest. When she did not respond, her file was transferred to the Legal/Tax Policy Division for administrative review. The Tax Appeals Specialist sent the taxpayer a letter explaining her options regarding her appeal. Again, she did not respond.

Tax Commission records show that during the years 1997, 1998, and 2001 the taxpayer was an Idaho resident with Idaho sourced income in excess of Idaho's filing requirement. These facts the taxpayer does not dispute. However, she has not filed Idaho individual income tax returns for any of the years at issue and has given no indication when the Tax Commission might expect to receive those returns.

The Bureau used the income shown in federal records to calculate the Idaho tax amount while allowing the standard deduction and credit for one personal exemption. No withholding could be identified but a grocery credit reduced each year's tax amount. The Bureau added interest and

penalty pursuant to Idaho Code §§ 63-3045 and 63-3046. The Tax Commission reviewed those additions and found them proper and in accordance with Idaho Code.

A Notice of Deficiency Determination issued by the Idaho State Tax Commission is presumed to be accurate. Parsons v. Idaho State Tax Com'n, 110 Idaho 572 (Ct. App. 1986). Having presented no information in support of her argument, the taxpayer has failed to meet her burden of proving error on the part of the deficiency determination. Albertson's, Inc. v. State, Dept. of Revenue, 106 Idaho 810 (1984).

WHEREFORE, the Notice of Deficiency Determination dated April 12, 2004, is hereby APPROVED, AFFIRMED, and MADE FINAL.

IT IS ORDERED and THIS DOES ORDER that the taxpayer pay the following tax, penalty, and interest.

<u>YEAR</u>	<u>TAX</u>	<u>PENALTY</u>	<u>INTEREST</u>	<u>TOTAL</u>
1997	\$ 309	\$ 77	\$ 144	\$ 530
1998	4,007	1,002	1,562	6,571
2001	2,380	595	381	<u>3,356</u>
			TOTAL	\$10,457

Interest is computed through December 31, 2004.

DEMAND for immediate payment of the foregoing amount is hereby made and given.

An explanation of taxpayer's right to appeal this decision is enclosed with this decision.

DATED this ____ day of _____, 2004.

IDAHO STATE TAX COMMISSION

COMMISSIONER

CERTIFICATE OF SERVICE BY MAIL

I hereby certify that I have on this _____ day of _____, 2004, served a copy of the within and foregoing DECISION by sending the same by United States mail, postage prepaid, in an envelope addressed to:

[REDACTED]

[REDACTED]

[REDACTED]

Receipt No.
